

\*SDNY (Rev. 10/2006) Pro Hac Vice Motion to Admit Counsel

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Securities and Exchange Commission Plaintiff,

8 cv 07104 (DC)

- against -

MOTION TO ADMIT COUNSEL

Byers, et al.

Defendant.

PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the

Southern and Eastern Districts of New York, I, Harvey Kurzweil a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

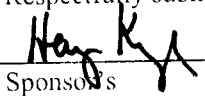
Applicant's Name: MARK S. RADKE  
Firm Name: Dewey & LeBoeuf LLP  
Address: 1101 New York Avenue, NW; Suite 1100  
City/State/Zip: Washington, D.C. 20005-4213  
Phone Number: (202) 346-8000  
Fax Number: (202) 346-8102

MARK S. RADKE is a member in good standing of the Bar of the States of District of Columbia (D.C. Bar. No. 367162)

There are no pending disciplinary proceeding against MARK S. RADKE in any State or Federal court.

Dated: 9/12/08  
City, State: NY, NY

Respectfully submitted,

  
Sponsor  
SDNY Bar

Firm Name: Dewey & LeBoeuf LLP  
Address: 1301 Avenue of the Americas  
City/State/Zip: New York, NY 10019  
Phone Number: (212) 259-8000  
Fax Number: (212) 259-6333

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

SECURITIES AND EXCHANGE COMMISSION 08-CV-07104 (DC)

Plaintiff,

-against-

AFFIDAVIT OF HARVEY  
KURZWEIL IN SUPPORT  
OF MOTION TO ADMIT  
COUNSEL PRO HAC VICE

BYERS, ET AL.

Defendants.

-----X

STATE OF NEW YORK     )  
                                  SS.:  
COUNTY OF NEW YORK    )

HARVEY KURZWEIL, being duly sworn, hereby deposes and says as follows:

1. I am a partner with the law firm of Dewey & LeBocuf LLP, counsel for Timothy J. Coleman, Receiver, in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of my motion to admit Mark S. Radke as counsel *pro hac vice* to represent Timothy J. Coleman, Receiver, in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on July 6, 1970. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have been Mr. Radke's colleague since October 2007.

4. Mark S. Radke is a partner at Dewey & LeBoeuf LLP, and is located at 1101 New York Avenue, Suite 1100; Washington, D.C. 20005-4213.

5. I have found Mark S. Radke to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

6. Accordingly, I am pleased to move the admission of Mark S. Radke, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Mark S. Radke, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREAS, it is respectfully requested that the motion to admit Mark S. Radke, *pro hac vice*, to represent Timothy J. Coleman, Receiver, in the above-captioned matter, be granted.

  
HARVEY KURZWEIL

Sworn to before me this  
2nd day of September, 2008.

  
Notary Public

MARIAN L. LOTITO  
NOTARY PUBLIC, State of New York  
No. 01LO6057552  
Qualified in Nassau County  
Certificate Filed in New York County  
Commission Expires April 16, 2011

# EXHIBIT A

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

Plaintiff,

8 cv 07104 (DC )

- against -

Defendant.

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Harvey Kurzweil attorney for Timothy J. Coleman, Receiver  
and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: MARK S. RADKE  
Firm Name: Dewey & LeBoeuf LLP  
Address: 1101 New York Avenue, NW; Suite 1100  
City/State/Zip: Washington, D.C. 20005-4213  
Telephone/Fax: (202) 346-8000 (t) / (202) 346-8102 (f)  
Email Address: msradke@dl.com

is admitted to practice pro hac vice as counsel for Timothy J. Coleman, Receiver in the above  
captioned case in the United States District Court for the Southern District of New York. All attorneys  
appearing before this Court are subject to the Local Rules of this Court, including the Rules governing  
discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall  
immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice  
fee to the Clerk of Court.

Dated:  
City, State:

United States District/Magistrate Judge



**District of Columbia Court of Appeals**  
**Committee on Admissions**  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

MARK S. RADKE

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was on the 13<sup>TH</sup> day of DECEMBER, 1982

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on August 29, 2008.

GARLAND PINKSTON, JR., CLERK

By: *M. Charles*  
Deputy Clerk

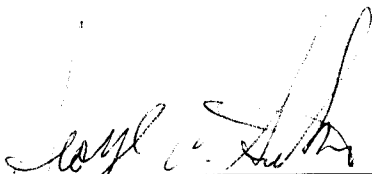
**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK                    )  
  SS.:  
COUNTY OF NEW YORK                )


GEORGE W. SIKES, being duly sworn, deposes and says: I am over 18 years of age, am not a party to this action, and am employed by the law firm of Dewey & LeBoeuf LLP.

On the 3<sup>rd</sup> day of September, 2008, I served a true and correct copy of the MOTION TO ADMIT COUNSEL PRO HAC VICE WITH SUPPORTING DOCUMENTS via First Class Mail and Facsimile to the attorneys listed on the attached service list at their address designated for service of papers:

SEE ATTACHED SERVICE LIST

  
\_\_\_\_\_  
GEORGE W. SIKES  
Lic. No. 1279828

Sworn to before me this  
3<sup>rd</sup> day of September, 2008

  
\_\_\_\_\_  
NOTARY PUBLIC  
DEBRA K. SENIOR  
NOTARY PUBLIC, State of New York  
No. 01SE6174396  
Qualified in Dutchess County  
Certificate Filed in New York County  
Commission Expires September 17, 2011

**SERVICE LIST****U. S. Securities and Exchange Commission v. Byers, et al.**

<p>Alexander M. Vasilescu, Esq.  U. S. Securities and Exchange Commission  Three World Financial Center  New York, NY 10281  (212) 336-1322 (f)</p>	<p>Barry S. Zone, Esq.  Gerstsen, Savage, Kaplowitz, Wolf  &amp; Marcus, LLP  600 Lexington Avenue  New York, NY 10022  (212) 980-5192 (f)</p>
<p>Andrew M. Calamari, Esq.  U. S. Securities and Exchange Commission  Three World Financial Center  New York, NY 10281  (212) 336-1322 (f)</p>	<p>Jason Canales, Esq.  Gerstsen, Savage, Kaplowitz, Wolf  &amp; Marcus, LLP  600 Lexington Avenue  New York, NY 10022  (212) 980-5192 (f)</p>
<p>Steven G. Rawlings, Esq.  Paul, Weiss, Rifkind, Wharton  &amp; Garrison  1285 Avenue of the Americas  New York, NY 10019  (212) 336-1324 (f)</p>	<p>Stephen Richard Popofsky, Esq.  Gerstsen, Savage, Kaplowitz, Wolf  &amp; Marcus, LLP  600 Lexington Avenue  New York, NY 10022  (212) 980-5192 (f)</p>
<p>John C. Meringolo, Esq.  Meringolo &amp; Associates, P.C.  11 Evans Street  Brooklyn, NY 1120  (212) 202-4936</p>	<p>Michael Fred Bachner, Esq.  Bachner &amp; Herskovits, P.C.  26 Broadway, Suite 2310  New York, NY 10004  (212) 344-7774 (f)</p>